

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

TERRY A. RIGGLEMAN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 5:17cv63
)	
HAROLD CLARKE, ET AL.,)	
)	
Defendants.)	

DEFENDANTS HAROLD CLARKE AND MARK AMONETTE, MD'S
NOTICE REGARDING STAY OF PROCEEDINGS

COME NOW, Defendants Harold Clarke (Mr. Clarke") and Mark Amonette, MD ("Dr. Amonette") (collectively "Defendants"), by counsel, and submits the following Notice regarding the Court's intent to stay proceedings.

Pursuant to the Court's Order dated June 1, 2022, the parties are to advise the Court of their position(s) with respect to entry of a stay of this action pending the 4th Circuit Court of Appeals ruling on the issue of qualified immunity in the matter of *Pfaller v. Clarke*, No. 21-1555, 21-1612 (4th Cir.). Defendants agree that the outcome of this appeal is highly relevant to the remaining issues presented in this case and that a stay of proceedings is appropriate in this action.

With regard to the subsequently filed action by Plaintiff wherein he asserts identical claims as are asserted in this matter, *Rigglesman v. Clarke*, No. 7:22-cv-18 (W.D. Va.), the Defendants submit that the Court need not implement a stay of that action but rather rule on the Defendants' Motion to Dismiss. A motion to dismiss for failure to state a claim should be granted if the complaint does not allege "enough facts to state a claim to relief that is plausible

on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007). In the interest of judicial economy, the court should resolve the issues presented in the Defendants' Motion to Dismiss and not stay proceedings with regard to that action.

For the foregoing reasons, Harold Clarke and Mark Amonette, MD, respectfully ask this Court to stay proceedings in this matter and rule on Defendants' Motion to Dismiss in the subsequently filed action by Plaintiff.

RESPECTFULLY SUBMITTED,

HAROLD CLARKE

And

MARK AMONETTE, MD

s/ Elizabeth M. Muldowney

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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of June 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) to the following:

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